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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  JOHN LEE HIGH,  
12                  Petitioner,  
13                  v.  
14                  SCOTT FRAKES,  
15                  Respondent.

Case No. C08-05766 RJB

ORDER ON PETITIONER'S  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS

16                  This matter comes before the court on review of the March 10, 2009 Report and  
17                  Recommendation of the Magistrate Judge, who recommended that the petitioner's application to  
18                  proceed *in forma pauperis* be denied because petitioner appeared to have the funds to pay the \$5.00  
19                  filing fee. Dkt. 8. The court has reviewed the Report and Recommendation and the remainder of the  
20                  file herein.

21                  On March 24, 2009, after the Report and Recommendation had been issued, petitioner paid  
22                  the filing fee. The Report and Recommendation is moot. Petitioner's application to proceed *in*  
23                  *forma pauperis* is **DENIED**. Petitioner's habeas corpus action shall proceed. The case, including all  
24                  pending motions, is **RE-REFERRED TO UNITED STATES MAGISTRATE JUDGE KAREN**  
25                  **L. STROMBOM** in accord with the original order of reference.

26                  The Clerk is directed to send uncertified copies of this Order to all counsel of record and to  
27                  any party appearing *pro se* at said party's last known address.

28                  ORDER - 1

1 DATED this 1st day of April, 2009.

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ROBERT J. BRYAN  
United States District Judge

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ORDER - 2